

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**In re: Proposed Rulemaking Implementing        )  
Regulations for Telephone Telecommunications   )  
Service Providers                                        )**

**Docket No. 00-00873**

**COMMENTS OF THE  
CONSUMER ADVOCATE AND PROTECTION DIVISION  
OF THE TENNESSEE ATTORNEY GENERAL'S OFFICE**

The Attorney General of the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General and Reporter for the State of Tennessee ("Attorney General"), respectfully submits the following comments in response to the Tennessee Regulatory Authority's Notice of Rulemaking regarding regulations for telephone telecommunications service providers. The comments are submitted by the Attorney General in its public interest role of protecting consumers through enforcement and investigatory powers under the Tennessee Consumer Protection Act and the Attorney General's activities before the Tennessee Regulatory Authority ("Authority").

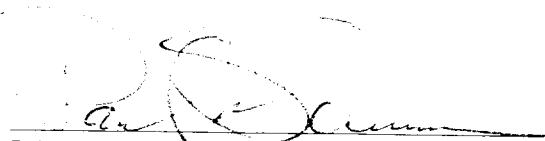
Service quality has become a significant problem for the telecommunications industry and the consumer. State Attorneys General throughout the nation have committed significant resources to combating this growing crisis.

Attached is a copy of the Attorney General's proposed redlined version of the sections of the proposed amendments to be considered at the January 16, 2001 workshop.

The Attorney General strongly supports the Authority's efforts toward carrying out the mandate given it by the Legislature. The Authority is faced with a growing crisis. The rule it promulgates will go a long way toward slowing the obvious trend toward lower service quality in

the telephone telecommunications industry.

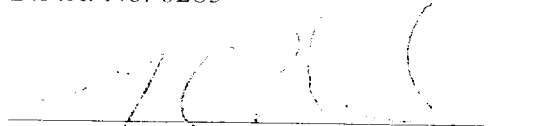
RESPECTFULLY SUBMITTED,



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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on parties below via U.S. Mail, postage prepaid, this January, 10, 2001.

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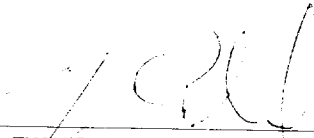
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Substance of Proposed Rules to be Considered at the January 16, 2001 Workshop

Amendments

Chapter 1220-4-2 Regulations for telephone telecommunications service providers is amended by deleting Rules 1220-4-2 -.01 through .42 of the chapter in their entirety and substituting the following new sections:

Table of Contents

1220-4-2-.01	Definitions
1220-4-2-.02	Scope of Regulations
1220-4-2-.03	Records and Reports
1220-4-2-.09	White Page Directories
1220-4-2-.12	Customer Complaints
1220-4-2-.13	Accuracy Requirements
1220-4-2-.15	Prepaid Calling Cards
1220-4-2-.19	Lifeline and Link-up
1220-4-2-.22	Enforcement Procedures

1220-4-2-.01            Definitions

In the interpretation of these rules, the following definitions shall be used:

- (1)     “Applicant” means a person requesting service through Lifeline or Link-up.
- (2)     “Authority” or “TRA” means the Tennessee Regulatory Authority
- (3)     “Basic Local Exchange Telephone Service” means telecommunications services as defined in Tenn. Code Ann. 65-5-208 (1).
- (4)     “Busy season” means the period of the year during which the greatest volume of traffic is handled in the office.
- (5)     “Carrier of last resort” means the required offering of ubiquitous basic local exchange services throughout a designated service area by an ETC qualified to receive federal and state universal service support using its own facilities or a combination of its own facilities and resale of another carrier’s services, including the services offered by another ETC.

- (6) "Customer" means any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., provided with telephone service by a telecommunications service provider.
- (7) "ETC" means eligible telecommunications carriers as defined in USCA Title 47, Section 214(e) and is certified by the Authority to receive state or federal universal service support.
- (8) "Exchange" means a unit established by a telecommunications service provider for the administration of telephone service in a specified area which usually embraces a city, town, or village and its environs. It consists of one or more central offices together with associated plant used in furnishing communication service in that area.
- (9) "Incumbent local exchange carrier" means a public utility offering and providing basic local exchange telephone service, as defined by TCA §65-5-208, pursuant to tariffs approved by the Tennessee Public Service Commission prior to June 6, 1995.
- (10) "Lifeline" means an income-tested telephone assistance program whereby qualified residents can obtain a discount on their basic monthly local telephone service.
- (11) "Link-up" means an income-tested telephone assistance program whereby qualified residents can obtain a discount on the one-time charge for the installation or the transferring of telephone service.
- (12) "Local Number Portability ("LNP")" means the ability of a customer to retain the same telephone number when changing local telecommunications service providers, as long as the customer stays within the same general geographic area.
- (13) "NANPA" means the North American Numbering Plan Administrator appointed by the FCC with the responsibility to oversee the administration of the telephone numbering system for North America.
- (14) "Peak-traffic hour" means the period of the day during which the greatest volume of traffic is handled in the telephone central office.
- (15) "QSM" means quality service mechanisms designed to penalize ETCs for repeatedly providing poor quality telephone service by monetarily compensating the appropriate customer.
- (16) "Rate Center" means a geographic location used by telecommunications carriers to establish the point to point mileage necessary for accurate and consistent billing for both local and toll calls.

- (17) “Reseller” means a Telecommunications Service Provider which purchases tariffed network services from a facility-based carrier to provide local and/or long distance service to end users.
- (18) “Sequential Number Assignment” means the assignment of telephone numbers within one 1,000 block prior to assigning telephone numbers from another unused 1,000 block of numbers.
- (19) “Service area” means the franchise area where an incumbent local exchange carrier provides basic local exchange service.
- (20) “Soft dialtone” means local service limited to access to emergency 911 service.
- (21) “Tariff” means the entire body of rates, tolls, charges, classifications and rules, adopted and filed with the Authority by a telecommunications service provider.
- (22) “Telecommunications Service Provider” means any provider of local exchange service as defined in Tenn. Code Ann. §65-4-101(c) and includes, but is not limited to, incumbent local exchange carriers (“ILEC”), competitive local exchange carriers (“CLEC”) and resellers.
- (23) “Telephone Assistance Program” refers to Lifeline and Link-up.
- (24) “Trouble Report” means any oral or written report from a subscriber or user of telephone service relating to a physical defect or to difficulty or dissatisfaction with the operations of telephone facilities. One report shall be counted for each oral or written report received even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone reported in trouble when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.
- (25) “Uncontaminated 1,000 Number Blocks” means a clean block of 1,000 numbers from which no individual telephone numbers have been assigned.
- (26) “Underlying carrier” means the telecommunications service provider supplying the tariffed services to a reseller for the provisioning of basic or long distance service.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.02                      Scope of Regulations

The purpose of this Chapter is to establish minimum quality of service standards and general regulations for all telecommunications service providers providing telecommunications service, as defined in this Chapter. The regulations are designed to

ensure that Tennesseans continue to have access to quality telephone services in an emerging competitive telecommunications environment. This Chapter attempts to balance our state's policy of pro-competition in the telecommunications sector with the service quality expectations of our citizens as well as privacy concerns.

Nothing in this Rule is intended to amend or supersede any provision of the Tennessee Consumer Protection Act or any other state or federal law, regulation or rule. This Rule is intended to supplement all other civil or criminal remedies or actions available at law to protect consumers.

Nothing in this Rule shall be construed to permit a carrier to violate any state or federal law, regulation or rule.

This Rule is to be liberally construed for the protection of consumers in the State of Tennessee.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.03                      Records and Reports

(1)      Location of Records.

Unless otherwise authorized by the Authority, all records of telecommunications service providers required by this Chapter or any other Authority rule shall be kept within the State or shall be made available to the Authority, the Attorney General or its their authorized representative upon request at no cost. If out-of-state travel is required by the Authority to view such records, the telecommunications service provider shall reimburse the Authority for reasonable travel expenses.

(2)      Retention of Records

Telecommunications service providers shall maintain sufficient records necessary to verify and substantiate all requirements of this Chapter. These records include, but are not limited to, trouble reports, service orders, itemized customer billing records, customer deposits and customer complaints. All records required by this Chapter shall be retained for a period of two (2) years unless otherwise ordered by the Authority.

(3)      Out-of-Service Report

- (a)      Telecommunications service providers are required to notify the Authority by the methods listed below regarding disruptions of service when greater than 1000 customers lose service for greater than four (4) hours.



1. Contact the Authority within two (2) hours of the service disruption or if during non-work hours, at the beginning of the succeeding workday and provide the location of the disruption, number of customers affected, and estimated restoral time.
2. Provide a written report within thirty (30) days of the incident to the Authority detailing the disruption along with actions the Telecommunications Service Provider has or shall take to prevent a similar disruption from occurring again.

(4) Tariffs

- (a) Telecommunications service providers shall file with the Authority tariffs that set forth the conditions and circumstances under which services will be provided as prescribed in Chapter 1220-4-1.
- (b) Telecommunications service providers shall make available a copy of its tariffs available for public inspection. Public inspection shall also include, but not limited to, having a copy of the tariffs available on the Internet.

(5) Exchange Maps

ETCs shall file with the Authority an exchange area map for each of its exchanges within the state clearly showing the boundary lines sufficient in detail to reasonably permit locating the exchange service area in the field.

(6) Wireline Reports

Each Telecommunications Service Provider shall provide to the Authority and the Attorney General a summary of its wireline activity within the State on the first working day of each month in a format established by the Authority. This information shall allow the Authority to monitor the evolution of local competition within Tennessee.

(7) Telephone Number Utilization Reports

Each Telecommunications Service Provider shall provide telephone number utilization data to the Authority on the forms provided by the Authority, as authorized by the Federal Communications Commission.

(8) Service Reports

Each Telecommunications Service Provider shall furnish to the Authority and Attorney General at such time and in such form the results of any tests, summaries or records or any other information as the Authority may require.

(9) Adequacy of Service Reports

Each ETC shall submit to the Authority and Attorney General quarterly reports in a format established by the Authority that will allow the Authority to determine how well it is complying with the adequacy of service standards found in 1220-4-2-.17. The reports shall be itemized by month by local exchanges. The Authority may conduct periodic audits or require the ETCs to hire an independent firm to verify accuracy of service standard reporting.

(10) Interruption of Service Reports

Each Telecommunications Service Provider shall maintain an accurate record of trouble reports made by its customers. This record shall include such information as the customer name, and the time, date and nature of the trouble along with the action taken by the Telecommunications Service Provider to clear the trouble or satisfy the complaint. This record shall be available to the Authority, the Attorney General or its their authorized representative upon request.

(11) Miscellaneous Reports

Telecommunications Service providers shall provide any other report ordered by the Authority or requested by the Staff through the Executive Secretary's office.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.09 Directories (White Pages)

- (1) Telephone directories shall be published annually and shall contain at a minimum the name, address and telephone number of all customers, except those customers who have informed the Telecommunications Service Provider to not list their information.
- (2) All telecommunications service providers shall provide free of charge to its customers a white page telephone directory encompassing the local calling area. Directories for areas outside the local calling area shall be provided to the customer for a reasonable cost.
- (3) In the event of a Telecommunications Service Provider listing error or the omission of a customer listing, the Telecommunications Service Provider shall

provide an intercept service along with directory assistance for all calls made to the omitted number, upon the request of the customer, for up to one (1) year at no charge or until the publishing of a new White Page Directory.

- (4) The Authority's toll-free telephone number and Internet address shall be listed on the inside cover of the directory. Telecommunications Service Providers shall not charge the Authority for the listing of the above information.
- (5) Telecommunications service providers shall provide the Authority, without charge, at least one (1) copy of its directories at the time of publication.
- (6) The directory shall contain such instructions concerning placing local and long distance calls, calls to repair, billing questions as well as information services, and the mailing address of the telecommunications service provider.
- (7) The area included in the directory along with the month and year of the issuance of directory shall appear on the cover of the directory. Information pertaining to emergency calls such as for the police and fire department shall appear conspicuously in the front section of the directory.
- (8) Whenever any customer's telephone number is changed after a directory is published, the telecommunications service provider shall intercept all calls to the former number for a reasonable period of time and give the calling party the new number unless instructed otherwise by the customer with the new number.
- (9) Telecommunications service providers publishing White Page Directories must provide the opportunity to competitive local exchange carriers offering service within the calling scope of a directory to contract for the appearance of the competitive local service providers name and logo on the cover of such directories under the same terms and conditions as the telephone service provider provides to itself.
- (10) Telecommunications service providers publishing White Page Directories must provide Directory Assistance information in a manner which will permit consumers to make an informed cost decision: (1) to take advantage of: "No charge applies for the first six (6) calls per billing period month requesting listing information for lines located within the state of Tennessee", and (2) to make an informed cost decision as to directory assistance charges for lines located outside the state of Tennessee.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

- (1) Each telecommunications service provider shall make a full and prompt investigation of customer complaints made either directly to it or through the Authority
- (2) Telecommunications service providers shall within ten (10) working days, after receipt of a complaint forwarded by the Authority, file a written reply with the Authority. This reply shall at a minimum state the Telecommunications Service Provider's position regarding the complaint and actions taken to resolve the dispute.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.13                      Accuracy Requirements

All meters and/or recording devices used by telecommunications service providers to prepare customer's bills shall be in proper working order and shall render accurate readings. Telecommunications service providers shall retain sufficient records to substantiate to the customer or the Authority compliance with this section.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.15                      Prepaid Calling Cards

- (1) ~~All prepaid calling cards shall provide adequate disclosure of the value of the card in either dollars or minutes. Such value shall be inclusive of any and all associated cost incurred with the purchase of the card. This information shall be displayed on the card or the package in a prominent and conspicuous manner.~~

All prepaid calling cards shall provide complete value disclosure (in a prominent location readily noticeable by the customer) of the card in dollars and minutes which may be determined prior to purchase (opening the package). All terms of sale including ancillary costs and restrictions including card expiration dates shall be so marked for value disclosure.

- (2) All prepaid calling cards shall list the name, address and telephone number of the Telecommunications Service Provider providing the prepaid card. A live operator shall answer the telephone number listed at least eight (8) hours a day, five (5) days a week.
- (3) Under no circumstances shall the customer receive less value than that disclosed.

- (4) ~~If a card has a specific expiration date, such date shall be printed on the card in a prominent and conspicuous manner.~~

Complete value disclosure information including all costs, terms of sales including expiration date shall be printed on the card and sale presentation container in a prominent and conspicuous manner.

- (5) Telecommunications service providers providing prepaid calling cards in the State shall respond to the Authority in writing within ten (10) working days of the receipt of consumer complaints.
- ~~(6) All prepaid cards shall provide all information relative to usage sensitive per minute rates and all other charges. This information shall be displayed on the card or the package in a prominent manner.~~

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.19 Lifeline and Link-up

All Telecommunications Service Providers shall offer Lifeline and Link-up in accordance with the conditions listed below.

##### (1) Eligibility Requirements

- (a) A Tennessee resident is eligible for Lifeline and Link-up if the person's total household income is equal to or less than 125 percent (125%) of the Federal Poverty Level Guideline or if he/she qualifies to receive any one of the following public assistance benefits:
1. Food stamps;
  2. Medicaid (not TennCare);
  3. Supplemental Security Income (SSI);
  4. Temporary Assistance to Needy Families (TANF);
  5. Low-income Home Energy Assistance Program (LIHEAP);
  6. Federal Public Housing Support; and
  7. Any other program or service certified by the Authority to assist low-income citizens.

##### (2) Enrollment Procedures

- (a) Telecommunications service providers providing Lifeline and Link-up shall accept and act on requests from applicants to provide the Telephone Assistance Programs in a timely manner.
  - (b) Telecommunications service providers shall take reasonable steps to verify that an applicant qualifies for at least one of the qualifications listed in 1220-4-2-.19 (1).
  - (c) An applicant determined eligible for Link-up is automatically eligible to receive Lifeline and shall be notified as such by the telecommunications service providers providing the services.
  - (d) Disputes between the telecommunications service providers and applicants regarding whether an applicant meets the qualification criteria shall be referred to the Authority for resolution.
- (3) Semi-Annual Verification Procedures
  - (a) A Telecommunications Service Provider providing Lifeline and Link-up shall verify during the months of January and July through the Tennessee Department of Human Services that its customers utilizing these telephone assistance programs continue to meet the qualification criteria embodied in this Rule Chapter.
- (4) Notification Procedures for Discontinuing Lifeline
  - (a) A Telecommunications Service Provider shall notify recipients of Lifeline during December and June of each year that in order to continue qualifying under the Federal Poverty Level Guidelines that supplemental information, as determined by the Authority, is needed to continue their eligibility for the telephone assistance. Failure to provide sufficient information within a reasonable period of time shall be grounds to terminate the Lifeline discount according to the condition below.
    - 1. A Telecommunications Service Provider shall provide Lifeline customers 60 days notice that they no longer meet the qualification criteria for the discounted service. Such notice shall be in written form and shall disclose appeal rights for the decision to terminate the Lifeline discount through the Authority.
- (5) Lifeline Support Credits and Allowable Charges
  - (a) Telecommunications service providers offering Lifeline and Link-up shall provide the maximum allowable discount as authorized by the FCC with the appropriate, if any, state matching credits.

charges.

- (b) Lifeline credits shall not exceed basic local exchange telephone service
- (c) Lifeline recipients shall not be assessed a fee for local number portability by telecommunications service providers.
- (d) Lifeline recipients shall not be assessed a state universal service fee, if one is established by the Authority.
- (e) Lifeline recipients shall not be assessed a charge for toll blocking by telecommunications service providers.
- (f) Telecommunications service providers shall not assess qualified Lifeline customers a security deposit if said customer agrees to subscribe to a toll blocking service.
- (g) Telecommunications service providers shall provide a six (6) free call allowance on directory assistance charges to Lifeline customers.

(6) Link-up Support Credits

- (a) A qualified recipient shall receive a reduction in the charge for installing new or transferring existing service as provided by the FCC.
- (b) Qualifying low-income customers who have paid full installation charges for service may retroactively receive the Link-up credit on their telephone bill if they notify the telecommunications service provider within sixty (60) days from the date of the completion of the service order.
- (c) The purchase or installation of telephone equipment, such as the wiring of telephone jacks, does not qualify for Link-up support.

(7) Educational Outreach Efforts

- (a) Telecommunications service providers offering Lifeline and Link-up shall establish a consumer outreach education plan, in coordination with the Authority, that will be aimed at informing the low-income population within their service area of the availability of the telephone assistance programs.
- (b) At the time of the request for installation of new local service or the transferring of existing local service, telecommunications service providers offering Lifeline and Link-up shall inform all residential customers of the availability of telephone assistance programs and how to

receive the discounts. A copy of the script used by telecommunications service providers shall be made available to the Authority upon request.

(8) Lifeline and Link-up Reporting Requirements

- (a) Telecommunications service providers providing Lifeline and Link-up shall provide quarterly status reports to the Authority summarizing the number of customers receiving the benefits of the Telephone Assistance Programs. The report shall breakdown the racial composition of the recipients along with the total dollar benefit for that period of time.
- (b) Telecommunications service providers shall provide other reports as required by the Authority in order to ensure compliance with this Rule Section.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.22 Enforcement Provisions

Violation of the provisions of this Chapter shall be subject to the provisions of Tenn. Code Ann. § 65-4-120.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

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